

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CR. NO. 22-20504

v.

HON. PAUL D. BORMAN

AWS MOHAMMED NASER,

Defendant.

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**RESPONSE TO GOVERNMENT’S REQUEST FOR
COMPLEX CASE DESIGNATION**

This case may contain significant discovery, but it is not unusual and complex. AWS NASER, by his attorneys, James Gerometta and Amanda Bashi, opposes the government’s request that the Court designate this case as complex under 18 U.S.C. § 3161(h)(7)(B)(ii). Rather, Mr. Naser believes another status conference in 60 days – around March 13, 2023 – is the most appropriate course of action. In support of his opposition and proposed alternative, Mr. Naser provides as follows:

1. The government’s indictment charges two counts: attempted material support to a foreign terrorist organization (18 U.S.C. § 2339B(a)(1)) and possession of a destructive device (18 U.S.C. § 922(g)(1)). (ECF No. 1.)
2. The most recent conduct alleged in the indictment occurred more than five years ago. Meanwhile, the government did not file its indictment until October 2022.

3. In order to designate a case as complex, the statute directs the court to consider “the number of defendants, the nature of the prosecution, or the existence of novel questions of fact or law”. § 3161(h)(7)(B)(ii). Here, there is only one defendant, Mr. Naser, and only two charges, as outlined above. While the government has identified CIPA and FISA issues, it is not clear that those issues will present novel questions of law or fact.
4. To be sure, the government’s motion outlines a voluminous amount of discovery. (Gov’t. Mtn., ECF No. 25, PageID.70-71.) However, among the reasons the government identifies in support of the complex case designation, is “potential” and “anticipated” litigation. (Id., PageID.71-72.) Defense counsel is not yet able to ascertain whether the litigation the government anticipates will be necessary.
5. As such, rather than designate this case as complex from the beginning, Mr. Naser proposes a more gradual approach. He requests approximately 60 days within which defense counsel can review the discovery already provided, the government can provide the remaining discovery, and the parties can reconvene for a status conference. At that time, the Court can determine whether the complex case designation is necessary, and not purely speculative.

WHEREFORE, Mr. Naser requests that the Court deny or hold in abeyance the government’s request to designate this a complex case, and instead schedule a status

conference in 60 days, by which time the government's discovery productions should be complete.

Respectfully submitted,

FEDERAL COMMUNITY DEFENDER

s/ *Amanda Bashi*

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Dated: January 4, 2023

CERTIFICATE OF SERVICE

I hereby certify that on January 4, 2023, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the parties of record.

Signed,

s/Amanda N. Bashi

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Dated: January 4, 2023